

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

(1) CATHERINE BAILEY-MORGAN,  
individually and  
(2) CATHERINE BAILEY-MORGAN as  
personal representative to the ESTATE OF  
DONNA LORRAINE BAILEY, deceased,

Plaintiffs,

vs.

(1) KINDRED HOSPITALS EAST, d/b/a  
KINDRED HOSPITAL OKLAHOMA  
CITY-SOUTH, a Foreign Limited Liability  
Company; and  
(2) KINDRED HEALTH CARE, INC., a  
Foreign Corporation,

Defendants.

Case No. CIV-18-439-SLP

**NOTICE OF REMOVAL OF CIVIL ACTION**

COME NOW Defendants, Kindred Hospitals East, LLC d/b/a Kindred Hospital Oklahoma City-South (incorrectly identified by Plaintiffs as “Kindred Hospitals East”) and Kindred Health Care, Inc., and removes this case from the District Court of Oklahoma County, State of Oklahoma to the United States District Court for the Western District of Oklahoma on the following grounds:

1. Defendants, Kindred Hospitals East, LLC d/b/a Kindred Hospital Oklahoma City-South and Kindred Health Care, Inc., are the Defendants in a civil action filed on March 20, 2018, in the District Court of Oklahoma County, Case No. CJ-2018-1542, entitled *Catherine Bailey-Morgan, individually and as personal representative to the Estate of Donna*

*Lorraine Bailey, deceased, vs. Kindred Hospitals East, d/b/a Kindred Hospital Oklahoma City-South and Kindred Health Care, Inc.*, Defendants.

2. Plaintiffs, Catherine Bailey-Morgan, individually and as personal representative to the Estate of Donna Lorraine Bailey, deceased, have been and still are citizens and residents of the State of Oklahoma.

3. Defendant, Kindred Health Care, Inc., has been and is still a Delaware Corporation with its principal place of business located in Kentucky.

4. Defendant, Kindred Hospitals East, LLC d/b/a Kindred Hospital Oklahoma City-South, has been and is still a Delaware limited liability company, whose sole member is Kindred Healthcare Operating, Inc.. Kindred Healthcare Operating, Inc. has been and is still a citizen of Delaware and Kentucky.

5. This action is a civil action over which this Court has original jurisdiction under 28 U.S.C. §1332 and which the Defendants are entitled to remove to this Court, pursuant to 28 U.S.C. §1441, *et seq.*, in that the amount in controversy exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs, and the action is between citizens of different states as of the time of the commencement of this action and at all times subsequent thereto.

6. Plaintiffs' cause of action is for alleged negligence. According to Plaintiffs, the matter in controversy between Plaintiffs and Defendants exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

7. This Notice is timely filed with this Court within thirty (30) days after service upon the Defendants of Summons by which this case became removable.

8. A copy of the state court docket sheet is attached hereto as Exhibit "1."

9. A file-stamped copy of the Petition is attached hereto as Exhibit "2" and is incorporated herein by reference.

10. A copy of the file-stamped Summons Returned showing proof of service on April 5, 2018 upon Defendant Kindred Hospitals East, LLC is attached hereto as Exhibit "3", and is incorporated herein by reference.

11. Defendants' counsel entered a special appearance in the State Court action, and filed a combined Objection to the State Court's Jurisdiction, Motion to Stay, and Motion to Compel Arbitration attached hereto as Exhibit "4", and is incorporated herein by reference.

12. Defendants' counsel filed a Motion to Dismiss Defendant Kindred Healthcare, Inc. on April 26, 2018. A copy of Defendant's Motion to Dismiss is attached hereto as Exhibit "5."

13. Defendant's counsel for Kindred Hospital East, LLC filed a Motion for an Order Striking Plaintiff's Interrogatories and Requests for Production of Documents on April 30, 2018. A copy of Defendant's Motion to Strike is attached hereto as Exhibit "6."

14. All hearings for any pending motions or objections are scheduled for June 1, 2018 at 10:00am before the State District Court.

WHEREFORE, Defendants, Kindred Hospitals East, LLC d/b/a Kindred Hospital Oklahoma City-South and Kindred Health Care, Inc., prays that the above action now pending in the District Court of Oklahoma County, State of Oklahoma, Case No. CJ-2018-1542, be removed from that Court to this Court.

s/ Timothy L. Martin

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**CERTIFICATE OF SERVICE**

☒ I hereby certify that on May 4, 2018, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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